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Opinion

September 16, 1957

Mr. Russell Hilliard, Director
Aeronautics Division
Concord Airport
Concord, New Hampshire

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CONCORD, N.H.

Dear Mr. Hilliard:

I have your letters of August 21 and 30, 1957, with enclosures which I am returning, as well as the suggested administrative revisions of form NHAC-53 by the insertion of 7 (c).

The suggested draft of 7 (c) as outlined in your letter appears to effectuate the procedural intention of the Legislature as provided in their Laws of 1957, chapter 319.

Since chapter 319 is silent on the number of grants of \$5,000 or under that can be made by the State to any single airport facility, the method of interpretation must be based on the broad principles applicable to statutory construction. It is basic that all statutes are presumed to be lawful. It is likewise true that they are to be construed to effectuate the lawful legislative intent. Therefore, in the instance proposed since no limitation is placed on the number of \$5,000 grants to be made to any single airport facility, it should be administered as to mean one. If this were not done a facility could apply numerous times and thereby defeat the purpose of the act. If at a later date the Legislature decides to change this they are at liberty to do so.

Procedurally, you have requested our opinion as to the adequacy of the method now used in your contracts with individual towns relative to the legality of their town meetings. As it now stands the town counsel certifies that the acceptance of the grant has been duly authorized and is a legal and binding obligation on the town who is a party to the agreement. In addition to the certification, a copy of the article in the warrant as well as a copy of the action taken at the town meeting concerning the agreement should be made a part of the information available to your office. This action by the town should be certified to as being a true copy by the town clerk. When a city is involved a like certification should be available to your office relative to the action taken by the city council. If after receiving this information your office is in doubt about the legality of same we would be pleased to advise you if you so desire.

Very truly yours,

William J. Deachman
Assistant Attorney General

WJD/m